

**Town of Fenwick Island
Minutes of the Charter & Ordinance Committee Meeting
May 5, 2009**

*Approved
June 2, 2009*

Call to Order at 9:30 a.m.

Present: Committee Members Bill Weistling, Gene Langan, Todd Smallwood, Winnie Lewis, Audrey Serio, Vicki Carmean, Buzz Henifin, Win Abbott and Pat Schuchman.

Public Attendance: John Belian, Donna Blanck, Finn McCabe (FlexEra) and Ryan Sexton (Coastal Point)

Minutes:

- Vicki Carmean made a motion to approve the minutes of April 7, 2009 seconded by Buzz Henifin.

Council Eligibility:

- The committee had copies in their meeting packets from Ocean City, Dagsboro and Tempe's recommendations for Council eligibility dealing with vacancies and forfeitures. Bill Weistling said, after reviewing these and some from other Towns, he liked Dagsboro's version mainly for its simplicity.
- There was some discussion on how many consecutive meetings one would have to miss before consideration of removal from office and if this should include only regular Town Council meetings or should it also include special meetings.
- At previous discussions this committee had been considering 3 consecutive meetings and if Town Council called a special meeting someone could be excused with no problem.
- Further discussion led to most committee members agreeing on 4 consecutive regular Town Council meetings and not include special meetings.
- It was agreed to model the draft Charter change using Dagsboro's version combined with Tempe's recommendations.
- A draft will be prepared and made available to all committee members prior to the June 2nd meeting.

Wind Turbines:

- Included with the meeting packet was a copy of Ocean City's newly adopted ordinance pertaining to wind turbines which is similar to ordinances from other communities.
- Finn McCabe from FlexEra attended the meeting and was able to offer his expertise to the discussion.
- Finn stated that roof mounted turbines are mainly constructed on commercial buildings and that there are not many roof mounted systems available for

residential buildings. FlexEra is in the development stage of their own roof mounted turbine designed for residential.

- He also commented that a 1:1 ratio would significantly limit turbines in Town due to our height restriction and the fact that a turbine would need to extend 10' to 15' above a roof line to obtain the best performance.
- Finn mentioned that Nantucket's Restaurant is currently preparing for a Board of Adjustment hearing in Sussex County to install a turbine system which he referred to as "sky stream" which would be installed on a 33' pole with a 6' blade totaling 39' with a wind resistance of 145 mph.
- He further stated that the State is currently developing state-wide wind code.
- When asked by Audrey what type of construction would be required for a roof mounted system, Finn state that it requires a concrete and steel construction and mainly available to commercial buildings.
- Bill added that the foundation required for a pole system would require 6 sf reinforced concrete.
- Concern was expressed that a pole or roof mounted system that extended up to 20' above the roof line would ruin the Fenwick Island skyline.
- Audrey and Gene both commented that we need to include wind turbines in our zoning ordinance and restrict it to pole mounted systems only with a maximum of a 40'. This would exclude most Fenwick Island properties since pole mounted turbines would be limited to larger lots to accommodate the 1:1 ratio.
- Win Abbott cautioned that there is a need to address the noise produced by wind turbines and consideration should be given that it would be constant year-round.
- Finn answered that a turbine generated 45 dba on average while an average heat pump generates up to 7ba when running. He also mentioned that turbines are being updated as technology improves.
- The Ocean City ordinance was reviewed by the committee item by item. Bill and Pat will work on a draft ordinance including the items discussed by this committee and have it ready for discussion at the July C&O meeting.
- Bill stated that further discussion on wind turbines will be postponed until the July C&O meeting in order to inform the public at the May & June Town Council meetings.

Codebook Updates:

- Bill advised everybody to save the meeting packet which includes copies of the Code with the areas of concern worked on by Vicki and Buzz.
- Chapter 56 (Boating) was discussed using Buzz's recommendation.
- §56-1C will be amended to change maximum speed in lagoons to 3 mph and adding "at a speed greater than steerage way or that creates a wake in any lagoon/canal".
- §56-2A, replace "headway" with "steerage way".
- §562B, replace "one-fourth (1/4) mile) with "600 feet"
- §562C, remove.
- §56-3A, change fine to \$100.

- A draft will be prepared for the next C&O meeting.

Comprehensive Plan:

- Winnie Lewis commented that each C&O meeting continues to address the goals of the Planning Commission.

Next Meeting:

- Discussions planned will be:
 - Codebook Updates
 - Council Eligibility (Draft Charter change)
 - Wind Turbines (ordinance draft)
- Next meeting held on Tuesday, June 2, 2009 at 9:30 a.m.
- Bill informed the committee that the August meeting held on the second Tuesday, August 11, 2009 at 9:30 a.m., due to the Historical Committee hosting the “Old Fenwick Island Days” from August 1 thru August 8.
- Buzz mentioned that he would like to see discussion of the Environmental Committee concerns addressed at future C&O meetings (such as “Dark Sky” lighting and storm water management).

Old:

- The committee had a copy of Tim Collins e-mail on behalf of the Commercial Liaison Committee expressing the CLC’s objection to an ordinance requiring commercial dumpsters be enclosed.
- The committee agreed to proceed with the ordinance as was discussed with the requirement of no longer than 2 years to comply.
- A draft will be finalized and ready for a First Reading at June’s Town Council meeting.
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New:

- None

Adjourn:

- Gene Langan made a motion to adjourn the meeting, seconded by Buzz Henifin. The meeting was adjourned at 11:10 a.m.